

REMARKS

The present amendment is in response to the Official Action mailed on June 15, 2005. Applicants have amended claims 1, 2, 4 and 7. Claims 1-9, as amended, are now presented for consideration in view of the remarks below.

The Examiner has rejected claim 1-9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,768,539 to Metz et al. ("Metz") in view of U.S. Patent No. 6,418,421 to Hurtado et al. ("Hurtado"). Applicants have now amended the claims to clarify the invention and respectfully submit that all of the claims as presently presented patentably define over the combination of Metz and Hurtado. Support for the amendments can be found, for example, at paragraphs [0054], [0061] and [0091-92].

Metz discloses the transmission of broadcast video programming and software, wherein the software includes executable code and can also include various combinations of data, video and audio (e.g., col. 5, lines 23-43), and is for providing additional features to the set top box (e.g., col. 1 lines 38-58). However, the software does not include copyright information on digital copy restrictions because the executable code is merely for controlling operation of set top box (e.g., col. 6, lines 2-7).

Metz also discloses non-volatile RAM as a storage medium storing the software within the system memory 120 in digital entertainment terminal (DET) 102 (e.g., col. 19, lines 36-53), video RAM 135 in MPEG video decoder storing digitized frames of video data (e.g., col. 23, lines 28-33), and an NTSC encoder encoding the video data and then supplying it to the television set (e.g., col. 24, lines 30-43), but does not disclose the claimed received data recorded in a recording medium or copyright information on digital data restrictions recorded on an IC card.

Therefore, it is submitted that the presently claimed invention would not have been obvious even if one were to apply the technique of Hurtado to the communication system of Metz.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 19, 2005

Respectfully submitted,

By 

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